

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE CERTIFICATION OF :

KIESHA T WHEALTON, C.H.H.A. : ADMINISTRATIVE ACTION
Certificate No. 26NH118157000 :

:
FINAL ORDER OF

:
DISCIPLINE

TO PRACTICE AS A HOME HEALTHCARE :
AID IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kiesha Whealton ("Respondent") is a certified home healthcare aid in the State of New Jersey, certificate number 26NH118157000, and has been certified at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on December 23, 2012 by the Hamilton Township Police Department for violation of one (1) count of N.J.S.A. 2C:21-6(h), Fraudulent Use of Credit Cards, the Board

sent a letter of inquiry requesting certain information and the submission of documents to Respondent's address of record in Glassboro, New Jersey via regular and certified mail, on or about December 28, 2012. A response was due within twenty (20) days. The regular mail was not returned; the certified mail was signed returned to the Board.

3. To date, Respondent had not provided a complete response to the Board's requests for information and documentation.

CONCLUSIONS OF LAW

Respondent's failure to fully and timely respond to the Board's requests for information and documentation constitutes a failure to cooperate with a Board investigation in contravention of N.J.A.C. 13:45C-1.2(a). Pursuant to N.J.A.C. 13:45C-1.2(b), N.J.A.C. 13:45C-1.3(a)(2), and N.J.A.C. 13:45C-1.3(a)(5) the Board considers Respondent's failure to cooperate to be professional misconduct within the meaning of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h), N.J.S.A. 45:1-25, and N.J.S.A. 45:1-22.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of Respondent's certification to practice as a home health aide in the State of New Jersey and a fine of two-hundred dollars (\$200.00) was entered on April 26, 2013. A copy was forwarded to

Respondent's last known address by means of both regular and certified mail. The regular mailing was not returned, and the certified mail was received and signed for on May 1, 2013. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

On or about May 13, 2013, Respondent provided the Board with the following documents: a copy of a Complaint-Summons from the Hamilton Township Municipal Court indicating that she was charged with use of a credit card with fraudulent intent; a copy of a notice to appear before the Mercer County Superior Court on January 10, 2013; and a handwritten letter from Ms. Whealton briefly stating she is currently unemployed, that there is a warrant for her arrest because she did not appear for her court date, and the charges are just a misunderstanding of an unpaid traffic ticket. Respondent did not provide the Board with a copy of the police report. Although respondent asked that the Board revise the Provisional Order as to the reason for her arrest, she

furnished no explanation as to why the complaint-summons she provided indicated fraudulent credit card use as the reason for her arrest, and instead of providing a narrative statement, as requested in the Board's December, 2012 letter, she advised the Board, if it wanted such a statement, to contact her "so I can tell you where to send a request for more information from me." The Board considered these submissions, and determined that respondent's reply was deliberately incomplete. The Board therefore found that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 1 day of November, 2013,

ORDERED that:

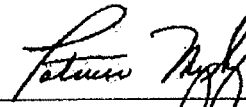
1. Respondent's certification to practice as a home health aid is suspended until Respondent fully cooperates with the Board's investigation by providing the Board with the information and documentation requested in the Board's letter of inquiry.

2. Respondent shall remit payment of a monetary penalty, pursuant to N.J.S.A. 45:1-25 in the amount of \$200.00 by certified check or money order, payable to the State of New Jersey, delivered to George Herbert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, NJ 07101. Payment shall be made no later than fifteen (15) days after notice of the entry of this Final Order is served in this matter, including an Order which is finalized by default. In the event Respondent fails to

make a timely payment, a certification of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF NURSING

By:  Ph.D., APN, FAAN
Patricia Murphy, PhD, APN
Board President